

### **REMARKS**

Claims 1-3, 5-9, 12-15, 22, and 24-26 are currently pending in the subject application and are presently under consideration. Claims 1, 6 and 12 have been amended as shown on pp. 2-4 of the Reply. In addition, claims 27-30 are newly added. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Rejection of Claims 1-3, 5-9, 12-15, 22, and 24-26 Under 35 U.S.C. §103(a)**

Claims 1-3, 5-9, 12-15, 22, and 24-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Backelmans, *et al.* (US 7,080,141) in view of Ramberg, *et al.* (US 6,857,013 B2). Withdrawal of this rejection is requested for at least the following reasons. The cited art, alone or in combination, fails to teach each and every aspect of the subject claims.

*[T]he prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP § 706.02(j). See also KSR Int'l Co. v. Teleflex, Inc., 550 U. S. \_\_\_\_, 04-1350, slip op. at 14 (2007). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art and not based on applicant's disclosure. See In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).*

Applicants' subject claims relate to a system and method that provides automated handling of a service problem reported by a wireless device customer. Specifically, information received from the customer is analyzed to determine a specific nature of the service problem and a corrective action is automatically initiated to remedy the identified service problem. To this end, independent claim 1, as amended, recites *receiving information about system conditions, associated with a problem relating to a service provided to the wireless telecommunications device, directly from the user of the wireless telecommunications device; requesting additional information about system conditions via a user interface based in part on decision tree logic to facilitate identification of a specific nature of the service problem; receiving the additional information via the user interface; identifying a specific nature of the service problem based in part on an analysis of system condition data obtained from at least one of the received information or the received additional information, the*

*analysis includes comparison of the system condition information to a database of known problems; and automatically effecting a corrective action responsive to the specific nature of the service problem without human intervention, wherein the corrective action includes adjustment of settings of one or more network components that facilitate providing the service to the wireless telecommunications device, through execution of computer instructions that are communicated to the one or more network components. Similarly, independent claim 12 recites prompting a user to input information about a problem associated with a service provided to the wireless telecommunications device via a user interface based in part on decision tree logic to facilitate identification of a specific nature of the service problem; receiving information about system conditions associated with the service problem directly from the user of the wireless telecommunications device via the user interface; and automatically effecting a corrective action responsive to the nature of the service problem without human intervention, wherein the corrective action includes adjustment of settings of one or more network components that facilitate providing the service to the wireless telecommunications device, through execution of computer instructions that are communicated to the one or more network components. Bäckelmans, et al. and/or Ramberg, et al. fail to disclose these novel aspects, as explained below:*

Bäckelmans, et al. relates to a system and method for automated fault detection and fault resolution of a network device. Specifically, a network device is provided that includes a monitoring agent configured for generating a notification message based upon an event where device operations exceed prescribed monitored parameters. A troubleshooting resource at the customer premises requests selected device state attributes from the network device and that are forwarded to a data collection resource that serves as an interface to the manufacturer's back-end infrastructure. The troubleshooting system accesses databases that store the configuration information for the affected network device, and uses the configuration information for accessing problem/resolution information. The rules based troubleshooting system, upon correlating the databases for the problem/resolution information, provides a service notification message as a response to the event, and selectively includes the problem/resolution information for the network device. Thus, the method disclosed in Bäckelmans, et al. merely relates to automatic monitoring of network device operation, and, anticipating and resolving problems associated with the network device before encountering a failure in the network device. (See Summary.)

Applicants' claimed subject matter, in contrast, relates to *a problem relating to a service provided to a wireless device*, that can be identified by a user of the wireless device and reported *via a user interface*. Further, the corrective action effectuated in response to the reported service problem includes *adjustment of settings of one or more disparate network components that facilitate providing the service to the wireless device* (e.g. a switch, a billing system, an intelligent roaming database, etc.). Backelmans, *et al.* is silent with respect to this novel aspect. Further, Backelmans, *et al.* relates to a notification application that implements an automatic download of executable resources, for example, the software updates, implemented as patches, plug-ins, or java applets, for automatic deployment by the trapplet (See column 12, line 65 to column 13, line 2). However, nowhere does Backelmans, *et al.* teach or suggest automatic *adjustment of settings of one or more network components that facilitate providing the service to the wireless device in response to a problem relating to a service provided to a wireless device, which is reported by a user of the wireless device via a user interface*. Further, Backelmans, *et al.* is silent with respect to *requesting additional information about system conditions via a user interface based in part on decision tree logic to facilitate identification of a specific nature of the service problem and/or receiving the additional information via the user interface* as recited in independent claim 1. Similarly, Backelmans, *et al.* does not teach or suggest *prompting a user to input information about a problem associated with a service provided to the wireless telecommunications device via a user interface based in part on decision tree logic to facilitate identification of a specific nature of the service problem and/or receiving information about system conditions associated with the service problem directly from the user of the wireless telecommunications device via the user interface*, as recited in independent claim 12.

On page 3, the Office action (dated December 24, 2008) asserts that it would have been obvious for one of the ordinary skill in the art at the time of the invention to implement the use of wireless devices as taught by Ramberg, *et al.* because doing so would allow the user to access the internet and fix the client computer from any geographic location. However, the subject claims relate to resolving a *service problem* by effectuating corrective action by adjusting settings of one or more network component, such that, service is provided to the wireless device. Ramberg, *et al.* merely relates to a system and method for remotely diagnosing and repairing a plurality of Automatic Data Collection ("ADC") device platforms. In particular,

a remote service technician utilizes a computing system having browsing software that communicates with a network of ADC platform devices. Diagnostic queries for particular ADC devices may be retrieved by the browsing software from a diagnostic server that sends Hypertext Mark-Up Language (“HTML”) documents, Dynamic Hypertext Mark-Up Language (“DHTML”) documents, and/or Extensible Mark-Up Language (“XML”) documents containing appropriate diagnostic applets. The remote technician sends diagnostic queries to a Simple Network Management Protocol (“SNMP”) master agent at the ADC device platform, and a translator translates the diagnostic queries sent to the ADC device platform into a format suitable for reception by its ADC devices in order to effect anomaly diagnosis and functionality restoration. Another translator translates data received from the ADC device into the SNMP format for transmission to the remote service technician in order for the remote service technician to perform diagnostic analysis. However, the system disclosed by Ramberg, *et al.* fails to make up for the aforementioned deficiencies of Baekelmans, *et al.* with respect to independent claims 1 and 12.

Applicants’ claimed subject matter, in contrast with the cited art, relates to a method and system for automatically resolving service problems reported by a user. In particular, the user employs a user interface to communicate device identification information. The user can then be prompted to enter information regarding system conditions related to the service problem. Specifically, additional data can be requested based in part on a decision logic tree. On receiving information from the user, a comparison can be made to a database of known problems to identify a specific nature of the service problem. An appropriate corrective action is then initiated that can include adjustment of settings of a network component, such as, a switch to remedy the service problem. Baekelmans, *et al.* and/or Ramberg, *et al.* do not teach or suggest identification of *service problems* and automatic initiation of corrective action by adjusting settings of a network component to remedy the service to a wireless device.

Additionally, with respect to claim 25, an Official Notice is taken by the Examiner, wherein, the Examiner indicates the fact that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an OTA server. Applicants’ representative respectfully traverse the aforementioned well known statements and request that the Examiner cite a reference in support of his position pursuant to MPEP §2144.03 if the rejection of these claims is maintained. Official notice unsupported by documentary evidence should only be

taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known. As noted by the court in *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970), the notice of facts beyond the record which may be taken by the examiner must be "capable of such instant and unquestionable demonstration as to defy dispute" (citing *In re Knapp Monarch Co.*, 296 F.2d 230, 132 USPQ 6 (CCPA 1961)).

In view of the foregoing, it is clear that Backelmans, *et al.* and Ramberg, *et al.*, alone or in combination, fail to teach or suggest all aspects of claims 1 and 12 (and associated dependent claims). Accordingly, withdrawal of this rejection is respectfully requested.

## **II. New Claims 27-30**

Newly added claims 27-30 emphasize novel aspects of the subject specification discussed *supra* in connection with claims 1-3, 5-9, 12-15, 22, and 24-26. Specifically, claims 27-30 depend from independent claim 1 and thus are patentably distinct over the art of record for at least the same reasons as is independent claim 1.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [CINGP227US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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